

HOUSE BILL REPORT

HB 2483

As Reported by House Committee On:
Children & Family Services

Title: An act relating to background checks for unlicensed child care providers.

Brief Description: Providing a provision relating to background checks for unlicensed child care providers.

Brief History:

Committee Activity:

Children & Family Services: 1/18/06, 1/26/06 [DPS].

Brief Summary of Substitute Bill

- Requires the sharing of information within the Department of Social and Health Services regarding child abuse and neglect by unlicensed child-care providers applying for reimbursement under the Working Connections Child Care (WCCC) program.
- Prohibits the Division of Child Care and Early Learning from approving an unlicensed child-care provider for WCCC reimbursement if the provider has a history of complaints of child abuse or neglect.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille, Dickerson, Haler and Pettigrew.

Minority Report: Without recommendation. Signed by 1 member: Representative Dunn.

Staff: Sydney Forrester (786-7120).

Background:

The Children's Administration (CA) within the Department of Social and Health Services (DSHS) receives and investigates allegations of child abuse and neglect. Records of referrals and subsequent investigations of alleged child maltreatment are maintained within the CA's information system. Depending on the facts of the case, the CA is authorized to take action that ranges from removal of the child from the home to leaving the child in the home and

attempting to engage the parents in voluntary services. Cases of child maltreatment, even in those cases that result ultimately in a termination of parental rights, do not necessarily result in criminal prosecution and/or conviction.

The Division of Child Care and Early Learning (DCCEL), also with the DSHS, licenses child-care providers and approves unlicensed providers for receipt of reimbursement under the Working Connections Child Care (WCCC) program for eligible low-income families. The child-care licensing process includes a fingerprint background check and a check of records in the CA's child maltreatment referral information system. The WCCC program approval process, however, is not a licensing process and usually includes only a background check for criminal convictions. Information regarding an unlicensed child-care provider's maltreatment of a child may not be detected in a criminal background check.

Summary of Substitute Bill:

Before approving an unlicensed child-care provider to receive WCCC subsidies, the DCCEL must review records and information within the CA regarding abuse or neglect by the applicant, if any. The DSHS shall adopt rules for the sharing of information between the DCCEL and CA. Information may be used only to evaluate the provider's qualifications for providing state-subsidized child-care under WCCC. Wrongful disclosure of information constitutes a misdemeanor.

No applicant whose history reveals a founded complaint of child abuse or neglect, or whose parental rights have been terminated, may be approved to provide state-subsidized child-care under WCCC. In addition, beginning July 1, 2007, no applicant may be approved if within the six years preceding the application, two or more referrals regarding child abuse or neglect by the applicant have resulted in an inconclusive finding.

At the conclusion of the DCCEL's investigation, the applicant may review the investigative files in which the applicant is named as the subject of alleged child abuse or neglect. The CA may redact any information necessary for the purpose of maintaining confidentiality of persons reporting alleged abuse or neglect and children who are the alleged victims. Starting September 1, 2006, the CA is prohibited from expunging from its records information about founded complaints of child abuse and neglect.

Substitute Bill Compared to Original Bill:

A statement that the safety of children is a compelling state interest, and a declaration that there is no right or entitlement to receive state-subsidized child-care or to be approved to provide such care is added to the intent section. The provision directing the DSHS to define child maltreatment is removed, and the term *child maltreatment* is replaced with *child abuse and neglect*. The provision requiring an applicant to authorize the sharing of information within the DSHS is removed. Criteria used to disapprove an applicant for providing care is added and the restriction on expunging files is limited to files of founded complaints of child abuse and neglect. The emergency clause is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: When the state is deciding who we are going to pay to provide child-care under Working Connections, we should err on the side of protecting children rather than on the side of protecting the economic interests of adults. Clearly the background checks are inadequate. We have learned this through the work of the Background Check Task Force. We need to make sure that for people who have had their parental rights terminated or who have had founded complaints of child abuse or neglect, we are not providing them with surrogate children.

Much of this bill was a result of disclosures to the Background Check Task Force. Over 50 percent of children in Washington are cared for by family, friends, and neighbors. There recently was a case of a women convicted of sexual abuse of children to whom she provided child-care subsidized by the state. Ten years earlier, the same woman was found to have abused her own children who were removed from her home and placed in foster care. When she applied to be approved to provide state-subsidized care, the background check did not include the information about her past history of abuse. This situation can occur for two reasons. First, the records of complaints of child abuse and neglect are not checked as part of approving someone to provide care under Working Connections. Second, records of founded abuse complaints are expunged after seven years. In addition to persons who have founded complaints of child abuse in their record, people who have a history of inconclusive findings also present risks to children.

Testimony Against: None.

Persons Testifying: Stu Jacobson, Parents for Safe Child Care.

Persons Signed In To Testify But Not Testifying: None.